

Chapter 134, P.L. 2002

(Approved January 9, 2003)

[Second Reprint]

SENATE, No. 1432

STATE OF NEW JERSEY

210th LEGISLATURE

INTRODUCED MARCH 26, 2002

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

Senators Ciesla, Palaia, Allen and Inverso

SYNOPSIS

Requires State payment of survivor's pension when volunteer fire fighter or emergency services worker suffers accidental death on duty.

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CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on November 18, 2002, with amendments.

(Sponsorship Updated As Of: 11/1/2002) AN ACT

concerning pensions for survivors of certain volunteer emergency services workers and amending P.L.1957, c.168.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1957, c.168 (C.43:12-28.1) is amended to read as follows:

1. The governing body of any municipality served by a volunteer fire company or first aid or rescue squad [may] shall, by [ordinance or] resolution, [provide for the payment of a pension to] determine the eligibility for a survivor's pension of the widow or ²[minor]² children ²or parent² of any volunteer [fireman or] firefighter, first aid [or] worker, rescue squad worker, or emergency medical technician who has died [or shall have died] as the result of injuries sustained in the course of performance of duty as a member of the volunteer fire company or first aid or rescue squad on or after January 1, 2000. ¹A governing body may determine that the widow or ²[minor]² children ²or parent² of a volunteer is eligible for a survivor's pension whenever a volunteer dies while responding to, preparing for or returning from an emergency while under orders from a competent authority. ¹ When the municipal governing body determines that a widow or ²[minor]² children ²or parent² are eligible for

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCU committee amendments adopted May 9, 2002.

² Assembly AAP committee amendments adopted November 18, 2002.

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a survivor's pension, a certified copy of the resolution shall be filed by the municipal clerk with the State Treasurer within 10 days of adoption, and the State shall provide for payment of the survivor's pension, starting in the first calendar year next following the year of death of the volunteer or the year next following the year in which P.L. , c. (pending before the Legislature as this bill) is enacted, whichever is later.

²["First] For the purposes of this section, "first² aid or rescue squad"²[as used herein]² shall mean any duly incorporated first aid and emergency or volunteer ambulance or rescue squad association providing volunteer public first aid, ambulance or rescue services within the municipality²[. As used in this section, the term];²

"widow" shall also include "widower"²;

"child" shall mean a deceased firefighter's, emergency medical technician's, or first aid or rescue squad worker's unmarried child (a) under the age of 18, or (b) 18 years of age or older and enrolled in a secondary school, or (c) under the age of 24 and enrolled in a degree program in an institution of higher education for at least 12 credit hours in each semester, or (d) of any age who, at the time of the firefighter's, technician's or worker's death, is disabled because of mental retardation or physical incapacity, is unable to do any substantial, gainful work because of the impairment and the impairment has lasted or can be expected to last for a continuous period of not less than 12 months, as affirmed by the medical professional; and

"parent" shall mean the parent of a firefighter, emergency medical technician, or first aid or rescue squad worker who was receiving at least one-half of his or her support from the firefighter, technician or worker in the 12-month period immediately preceding the firefighter's, technician's or worker's death. The dependency of such a parent will be considered terminated by marriage of the parent subsequent to the death of the

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member².

(cf: P.L.1968, c.331, s.2)

2. Section 2 of P.L.1957, c.168 (C.43:12-28.2) is amended to read as follows:

2. [No such] A survivor's pension granted under section 1 of P.L.1957, c.168 (C.43:12-28.1) shall [exceed the] be for the sum of [\$5,000.00] ²(a)² \$15,000 annually and shall be paid to the widow, during her widowhood, or to the ²[minor]² child or children of such [fireman or] firefighter, emergency medical technician, or first aid or rescue squad worker, if he [leave] leaves no surviving widow [him surviving], or to such ²[minor]² child or children after the death of such widow ², (b) \$10,000 annually and shall be paid to the child or children of such firefighter, emergency medical technician, or first aid or rescue squad worker, if the surviving widow remarries, or (c) \$5,000 annually and shall be paid to the parent or parents of such firefighter, emergency medical technician, or first aid or rescue squad worker, if he leaves no surviving widow or child². As used in this section, the terms "widow" and "widowhood" shall also include "widower" and "widowerhood" respectively.

(cf: P.L.1968, c.331, s.3)

3. Section 3 of P.L.1957, c.168 (C.43:12-28.3) is amended to read as follows:

3. [The] With regard to any pension granted by a municipality pursuant to section 1 of P.L.1957, c.168 (C.43:12-28.3) prior to the effective date of P.L. , c. (pending before the Legislature as this bill) the governing body shall make provision in its budget for the payment of any such pension and the same shall be paid in the same manner as municipal employees are paid.

(cf: P.L.1957, c.168, s. 3)

4. This act shall take effect immediately.